

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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REGINA PRICE,

Plaintiff,

- against -

NEW YORK CONTAINER TERMINAL INC.,

Defendant.

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ORDER

08-CV-3925 (SJ) (JO)

JAMES ORENSTEIN, Magistrate Judge:

The plaintiff has filed a motion seeking the following forms of relief: a request to appear *pro hac vice*, an extension of time to file a response or reply to something, and approval of an infant compromise. *See* Docket Entry ("DE") 29. I deny the motion in its entirety as moot: the plaintiff is represented by counsel, there is nothing pending to which she must file a response or reply, and the sole plaintiff is an adult.

To the extent the letter submitted in support of the motion reveals that what the plaintiff's counsel actually wants is a last-minute adjournment of a conference scheduled over a month ago, *see* DE 25, on the ground that he has decided to discharge his obligation in another case rather than his obligation in this one, *see* DE 29, I deny the motion and remind counsel that I have previously stated I would grant no further belated requests for scheduling relief. *See* Order dated June 1, 2009.

I also note that the plaintiff has failed to discharge her obligation to submit an *ex parte* statement of her settlement position as required. *See* DE 12, ¶ III.b. I have previously warned the plaintiff through counsel that a "continued failure to discharge her ... litigation duties ... will result in a recommendation that the court dismiss the Complaint for failure to prosecute." Order dated July 3, 2009.

Under all of the circumstances, I conclude that the plaintiff and her counsel have made it impossible to conduct the conference I scheduled for tomorrow and that was supposed to have included a discussion of settlement. Lacking any satisfactory alternative, I will reschedule the conference to Wednesday, October 28, 2009, at 2:00 p.m. The plaintiff must appear in person along with her counsel, so that they can show cause why I should not recommend dismissal, or impose some appropriate lesser sanction on the plaintiff or her counsel. The parties must be prepared to discuss all aspects of the status of the case, and to discuss settlement in good faith. I direct the plaintiff's counsel to submit an *ex parte* statement of settlement position no later than 5:00 p.m. on October 27, 2009, and I direct the plaintiff's counsel to provide a copy of this order to his client forthwith.

SO ORDERED.

Dated: Brooklyn, New York
October 26, 2009

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge